

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SHIRLEY CLAYTON,

Plaintiff,

vs.

No. CIV 07-0680 JB/LAM

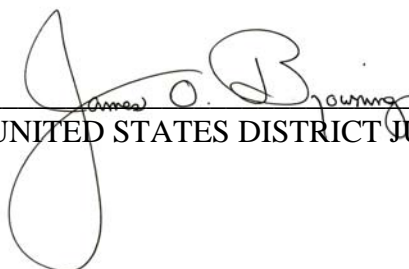
PIONEER BANK,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the Defendant's Motion for Summary Judgment, filed March 31, 2008 (Doc. 33). The Court held a hearing on June 30, 2008. The issue is whether Defendant Pioneer Bank is entitled to summary judgment on: (i) Plaintiff Shirley Clayton's claims for alleged violations of the Americans with Disabilities Act ("ADA"); (ii) Clayton's claims for alleged violations of the New Mexico Human Rights Act ("NMHRA"); and (iii) Clayton's claim for punitive damages. For the reasons stated in the Court's Memorandum Opinion and Order, filed August 11 (Doc. 46), and for reasons stated herein consistent with those already stated, the Court will deny in part and grant in part Pioneer Bank's motion for summary judgment. The Court will decline to exercise jurisdiction over Clayton's NMHRA claim. The Court will deny Pioneer Bank summary judgment on Clayton's ADA claims because there are genuine issues of material fact whether Clayton's request for four weeks of additional leave was a reasonable accommodation and whether Pioneer Bank's legitimate, nondiscriminatory reason for terminating Clayton was pretextual.

IT IS ORDERED THAT the Defendant's Motion for Summary Judgment is denied.



UNITED STATES DISTRICT JUDGE

Counsel:

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